United Nations S/2008/796

Security Council

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The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Somalia, in particular resolution 733 (1992) of 23 January 1992, which established an embargo on all delivery of weapons and military equipment to Somalia (hereinafter referred to as the "arms embargo"), resolution 1519 (2003) of 16 December 2003, resolution 1558 (2004) of 17 August 2004, resolution 1587 (2005) of 15 March 2005, resolution 1630 (2005) of 14 October 2005, resolution 1676 (2006) of 10 May 2006, resolution 1724 (2006) of 29 November 2006, resolution 1744 (2007) of 20 February 2007, resolution 1766 (2007) of 23 July 2007, resolution 1772 (2007) of 20 August 2007, resolution 1801 (2008) of 20 February 2008, resolution 1811 (2008) of 29 April 2008, and resolution 1844 (2008) of 20 November 2008,

Recalling that, as set out in its resolutions 1744 (2007) and 1772 (2007), the arms embargo on Somalia does not apply to (a) weapons and military equipment, technical training and assistance intended solely for support of or use by the African Union Mission in Somalia (AMISOM), and (b) supplies and technical assistance by States intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in those resolutions and in the absence of a negative decision by the Committee established pursuant to resolution 751 (1992) (hereinafter referred to as "the Committee") within five working days of receiving an advance notification of such supplies or assistance on a case-by-case basis,

Reaffirming the importance of the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming that the Djibouti Peace Agreement and follow-on dialogue process represent the most viable basis for a resolution of the conflict in Somalia, and reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia based on the Transitional Federal Charter (TFC),

Reiterating the urgent need for all Somali leaders to take tangible steps to continue political dialogue,

Commending the work of the Special Representative of the Secretary-General, Mr. Ahmedou Ould-Abdallah, and reaffirming its strong support for his efforts,

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Taking note of the report of the Monitoring Group dated 10 December 2008 (S/2008/769) submitted pursuant to paragraph 3 (i) of resolution 1811 (2008) and the observations and recommendations contained therein,

Condemning flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo as a serious threat to peace and stability in Somalia,

Reiterating its insistence that all States, in particular those in the region, should refrain from any action in contravention of the arms embargo and should take all necessary steps to hold violators accountable,

Reiterating and underscoring the importance of enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant investigation into the violations, bearing in mind that strict enforcement of the arms embargo will improve the overall security situation in Somalia,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Stresses* the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008);

2. *Reiterates* its intention to consider specific action to improve implementation of and compliance with measures imposed by resolution 733 (1992), as well as resolution 1844 (2008);

3. *Decides* to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a period of twelve months, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to resolution 1811 (2008), and with the addition of a fifth expert, in consultation with the Committee, in order to fulfil its expanded mandate, this mandate being as follows:

(a) to continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005);

(b) to carry out additionally the tasks outlined in paragraphs 23 (a) to (c) of resolution 1844 (2008);

(c) to continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit arms embargo violations;

(d) to continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;

(e) to continue refining and updating information on the draft list of those individuals and entities who violate the measures implemented by Member States in accordance with resolution 733 (1992) and paragraphs 8 (a) to (c) of resolution 1844 (2008), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(f) to continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003, and on the previous reports of the Monitoring Group (S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913, S/2007/436,S/2008/274 and S/2008/769) appointed pursuant to resolutions 1519 (2003) of 16 December 2003, 1558 (2004) of 17 August 2004, 1587 (2005) of 15 March 2005, 1630 (2005) of 14 October 2005,1676 (2006) of 10 May 2006, 1724 (2006) of 29 November 2006, 1766 (2007) of 23 July 2007 and 1811 (2008) of 29 April 2008;

(g) to work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008);

(h) to assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008);

(i) to provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and to submit progress reports to the Committee on a monthly basis;

(j) to submit, for the Security Council's consideration, through the Committee, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate;

4. *Further requests* the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

5. *Reaffirms* paragraphs 4, 5, 7, 8 and 10 of resolution 1519 (2003);

6. *Requests* the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider the recommendations in the reports of the Monitoring Group dated 5 April 2006, 16 October 2006, 17 July 2007, 24 April 2008, and 10 December 2008 and recommend to the Council ways to improve implementation of and compliance with the arms embargo as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), in response to continuing violations;

7. *Decides* to remain actively seized of the matter.